

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In the In the application of: Keller et al.

Serial No.: 10/808,266

Filed: 03/17/2004

For: OLIGOMERIC HYDROXY ARYLETHER PHTHALONITILES AND SYNTHESIS  
THEREOF

Examiner: Truong, Duc

Art Group Unit: 1711

October 3, 2006

REPLY BRIEF

- A. Claims 14-21 and 38-46 recite subject matter that is not unpatentable under 35 U.S.C. § 103(a) over Keller ('471) as the reference is not enabling

Claims 14 (15-21 dependent thereon) and 38 (39-46 dependent thereon)

The Examiner's Answer states that "the reference does disclose a similar formula." Page 6, line 3. However, the Examiner has not cited to any part of the reference as an enabling disclosure for the formula.

- B. Claims 47-56 recite subject matter that is not unpatentable under 35 U.S.C. § 103(a) over Keller ('760 or '926)

Claim 47 (48-56 dependent thereon)

The Appeal Brief misstated the disclosure of Keller ('760 or '926), stating that the references disclose reacting a dihydroxyaromatic with a dihaloaromatic in the presence of a copper compound and a base (page 4, lines 14-16). No copper compound is actually disclosed in this step. This was correctly stated in a subsequent paragraph. Applicants' representative regrets the error. However, the Examiner's Answer admitted that Applicants were correct in stating that the references do not disclose a copper compound in the first step.

The Examiners Answer stated that since the references disclose the use of copper in the curing step, which occurs after reacting the product of the first step with a nitrophthalonitrile,

this indicates that the copper does not have any functionality in the first step (page 6, lines 17-19). This does not logically follow. The fact that copper may be useful in one step (curing) does not imply that it is not useful in any other step (first step). The use of copper in the first step expands the range of possible dihydroxyaromatics and dihaloaromatics and could have an effect even with the dihydroxyaromatics and dihaloaromatics disclosed in the references. While the present claims are not limited to the expanded set of dihydroxyaromatics and dihaloaromatics, the references do not disclose the use of copper in the first step at all.

### CONCLUSION

For the reasons stated above and in the Appeal Brief, reversal of the rejections under 35 U.S.C. § 103 is earnestly solicited.

In the event that a fee is required, please charge the fee to Deposit Account No. 50-0281, and in the event that there is a credit due, please credit Deposit Account No. 50-0281.

Respectfully submitted,



Joseph T. Grunkemeyer  
Reg. No. 46,746  
Phone No. 202-404-1556  
Office of the Associate Counsel  
(Patents), Code 1008.2  
Naval Research Laboratory  
4555 Overlook Ave, SW  
Washington, DC 20375-5325